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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/635,146

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Timothy M. Schmidl

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04/26/2005

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EXAMINER

MOORE JR, MICHAEL J

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,146

Applicant(s)

SCHMIDL ET AL.

Examiner

Michael J. Moore, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13,15-18,20-26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,11-13,16-18,20-24,26 and 29-31 is/are rejected.
- 7) ☒ Claim(s) 6-10,15,25,28 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The use of the trademark Bluetooth™ has been noted in the specification. It should be capitalized wherever it appears and be accompanied by the generic terminology. The "™" indicator should be appended to every instance of this trademark in the specification.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Objections

3. Claims 1-10, 15, 18, 25, 28, and 32 are objected to because of the following informalities: The use of the trademark Bluetooth™ has been noted in the claims. It should be capitalized wherever it appears and be accompanied by the generic

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terminology. The "™" indicator should be appended to every instance of this trademark in these claims. Appropriate correction is required.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims **16-18 and 20-22** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim **16**, the subject matter of this claim as amended does not have support in the original specification and thus constitutes new matter. In the original specification, claim **19** depended upon claim **17** rather than claim **16**. It is suggested that claim **19** be written in independent form containing all the limitations of claims **16** and **17**.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims **1-4 and 23** are rejected under 35 U.S.C. 102(b) as being anticipated by Perlman et al. (U.S. 5,450,407). The Perlman et al. reference teaches all of the limitations of the listed claims with the reasoning that follows.

Regarding claim 1, “a method of controlling communication of a packet of information from a Bluetooth transmitting packet communication device to an intended recipient device” is anticipated by the method spoken of in column 2, lines 20-36. “The packet having a plurality of fields including a predetermined address field for carrying address information indicative the intended recipient device of the packet” is anticipated by the frame shown in Figure 1 that contains destination address field 102 (predetermined address field).

“The Bluetooth transmitting packet communication device providing in a further field of the packet other than the predetermined address field address information indicative of the intended recipient device for which the packet is intended” is anticipated by the apparatus shown in Figure 10 that writes a desired destination address into field 104 (further field) of Figure 1 as described in column 4, lines 4-10.

“The Bluetooth transmitting device providing in the predetermined address field of the packet first information which indicates that the further field of the packet contains

the address information” is anticipated by the apparatus shown in Figure 10 that writes an indicator into destination address field 102 (predetermined address field) of Figure 1 as described in column 3, lines 29-37. Lastly, “the Bluetooth transmitting packet communication device transmitting the packet on a communication link” is anticipated by the transmission shown in Figure 10.

Regarding claim 2, “the intended recipient device receiving the packet and detecting the first information in the predetermined address field and retrieving the address information from the further field in response to detection of the first information” is anticipated by column 4, lines 6-10, which states that the indicator (first information) is capable of being interpreted by a receiving station to mean that the desired destination address (address information) is written into the predetermined field (further field) of the second frame.

Regarding claim 3, “providing a predetermined code in the predetermined address field” is anticipated by the indicator (code) written into destination address field 102 (predetermined address field) shown in Figure 1.

Regarding claim 4, wherein the further field is a packet type field for normally carrying information indicative of the packet type” is anticipated by the frame type association with multicast address shown in Figure 9.

Regarding claim 23, “A packet communication apparatus for receiving a packet of information from a further packet communication apparatus” is anticipated by first communications system 174 and second communications system 170 of Figure 10. “The packet having a plurality of fields including a predetermined address field for

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carrying address information indicative of an intended recipient of the packet” is anticipated by the frame shown in Figure 1 that contains destination address field 102 (predetermined address field).

“A communication interface for receiving the packet via a communication link” is anticipated by the communication interface shown in Figure 10 between apparatus 172 and second communications system 170. Lastly, “an address decoder coupled to said communication interface for detecting in said predetermined address field information which indicates that a further field of the packet contains address information from which the intended recipient of the packet can be determined” is anticipated by column 4, lines 6-10, which states that the indicator (first information) is capable of being interpreted by a receiving station (decoder) to mean that the desired destination address (address information) is written into the predetermined field (further field) of the second frame.

8. Claims **11-13, 26, and 29-31** are rejected under 35 U.S.C. 102(e) as being anticipated by Sharpe (U.S. 6,094,146). Sharpe teaches all of the limitations of the listed claims with the reasoning that follows.

Regarding claim 11, “A method of controlling communication of a packet from a transmitting packet communication device to a recipient packet communication device” is anticipated by the system shown in Figure 1. “The packet including a predetermined address field for carrying address information indicative of an intended recipient of the packet” is anticipated by the extended address field (EAF) in the message of Figure 3a. “Providing identification information which identifies a recipient packet communication

device for which the packet is intended” is anticipated by the extended address field (EAF) in the message of Figure 3a.

“A transmitting packet device producing address information indicative of the intended recipient device and extending the address field of the packet to accommodate the address information and providing the address information in the extended address field” is anticipated by the extended address field (EAF) in the message of Figure 3a produced by controller 10 of Figure 1. Lastly, “transmitting the packet on a communication link” is anticipated by the transmission shown in Figure 1.

Regarding claim 12, “the intended recipient device receiving the packet and using error check information from the received packet to determine whether the address field of the received packet is an extended address field and thereafter decoding the address information from the address field of the received packet” is anticipated by controller 10 of Figure 1, the extended address field (EAF) shown in Figure 3a as well as the CRC bits spoken of in column 1, lines 33-37.

Regarding claim 13, “wherein said using step includes the intended recipient device performing an error check on the received packet under an assumption that the received packet does not contain an extended address field, and said using step further including the intended recipient device performing an error check on the received packet under an assumption that the received packet does contain an extended address field” is anticipated by controller 10 of Figure 1, the extended address field (EAF) shown in Figure 3a as well as the CRC bits spoken of in column 1, lines 33-37.

Regarding claim **26**, “A packet communication apparatus for communicating a packet of information to a further packet communication apparatus” is anticipated by the system shown in Figure 1. “The packet including a predetermined address field for carrying address information indicative of an intended recipient of the packet” is anticipated by the extended address field (EAF) in the message of Figure 3a.

“A packet processor for selectively extending said address field of the packet to accommodate said address information, said packet processor further for providing said address information in said extended address field” is anticipated by the extended address field (EAF) in the message of Figure 3a produced by controller 10 (packet processor) of Figure 1. Lastly, “a communication interface coupled to said packet processor for transmitting the packet on a communication link” is anticipated by the interface shown between controller 10 (packet processor) and base stations 12A and 12B of Figure 1.

Regarding claim **29**, “A packet communication apparatus for receiving a packet of information from a further packet communication apparatus” is anticipated by the system shown in Figure 1. “The packet including a predetermined address field for carrying address information indicative of an intended recipient of the packet” is anticipated by the extended address field (EAF) in the message of Figure 3a.

“A communication interface for receiving the packet from a communication link” is anticipated by the communication link between stations SS1 and SS2 shown in Figure 1. “A packet processor coupled to said communication interface for using error check information from the received packet to determine whether the address field of the

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received packet is an extended length address field” is anticipated by controller 10 of Figure 1, the extended address field (EAF) shown in Figure 3a as well as the CRC bits spoken of in column 1, lines 33-37.

Regarding claim 30, “wherein said packet processor is operable for performing an error check on the received packet under an assumption that the received packet does not contain an extended address field, and is further operable for performing an error check on the received packet under an assumption that the received packet does contain an extended length address field” is anticipated by controller 10 of Figure 1, the extended address field (EAF) shown in Figure 3a as well as the CRC bits spoken of in column 1, lines 33-37.

Regarding claim 31, “wherein said communication interface is a wireless communication interface and the communication link includes a wireless communication link” is anticipated by the wireless system shown in Figure 1.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims **5 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman et al. (U.S. 5,450,407) in view of Sharpe (U.S. 6,094,146).

Regarding claims **5 and 24**, Perlman et al. teaches the method of claim 1 as well as the apparatus of claim 23. Perlman et al. fails to teach a method or apparatus in a wireless environment. However, Sharpe teaches a wireless system shown in Figure 1 used for transmitting messages between stations. At the time of the invention, it would have obvious to someone of ordinary skill in the art to modify the teachings of Perlman et al. for use in a wireless environment. A motivation for doing so would be to use the teachings of Perlman et al. with a known transmission medium (wireless transmission) as taught in Figure 1 of Sharpe.

Allowable Subject Matter

12. Claims **6-10, 15, 25, 28, and 32** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments filed 11/15/2004 with respect to claims **11, 23, 26, and 29** have been fully considered but they are not persuasive.

Regarding claim **23**, Applicant argues that Perlman et al. fails to disclose a decoder anywhere in the specification and that the phrase “the indicator capable of being interpreted by a receiving station” does not disclose that the indicator is encoded or that the receiving station decodes the indicator. This statement is noted.

However, what is claimed is “*an address decoder coupled to the communication interface for detecting in the predetermined address field information which indicates that a further field of the packet contains address information from which the intended recipient of the packet can be determined*”. This limitation does not indicate that an indicator is encoded or that a receiving station decodes the indicator. According to the claim language, the address decoder detects an indicator in the predetermined address field that indicates that a further field of the packet contains recipient address information. Thus it is held that Perlman et al. anticipates this limitation.

Regarding claims **11 and 26**, Applicant argues that the extended address (EAF) field of Sharpe is always present and that it is not extended in response to identification information or selectively extended by a packet processor. This statement is noted. However, Sharpe teaches on column 7, line 58 – column 8, line 28 how a primary station PS (packet processor) receives data (identification information) to be sent from a user to a secondary station SS (recipient packet communication device). In response to this data reception, the data is relayed to a stage where it is encoded, formatted and where indicia (extended address field) are concatenated with the address code word (extending the address field).

It is held that these teachings anticipate *“providing identification information which identifies a recipient packet communication device for which the packet is intended”* and *“responsive to the identification information, a transmitting packet device producing address information indicative of the intended recipient device and extending the address field of the packet to accommodate the address information”* as well as *“a packet processor for selectively extending the address field of the packet to accommodate the address information, the packet processor further for providing the address information in the extended address field”*.

Regarding claim 29, Applicant argues that Sharpe fails to teach *“a packet processor coupled to the communication interface for using error check information from the received packet to determine whether the address field of the received packet is an extended length address field”*. This statement is noted.

However, Sharpe teaches on column 8, lines 26-28 that a processor is able to detect the extended address field and to adapt itself in accordance with the commands carried by the extended address field. Sharpe also teaches on column 4, lines 31-37 that extended addresses are identified by enabled pagers as the first two digits of the message following the address code word. Using a broadest reasonable interpretation, it is held that these teachings anticipate the above limitation.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haartsen et al. (U.S. 6,570,857), Peters (U.S. 6,601,093), and Larsson et al. (U.S. 6,751,200) are references that contain material pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Moore, Jr.
Examiner
Art Unit 2666

mjm MM

A handwritten signature in black ink, appearing to read 'Frank Duong', written in a cursive style.

FRANK DUONG
PRIMARY EXAMINER